CASE NARRATIVE

UNLAWFUL COORDINATED TRANSFER AND EXTRA-LEGAL REMOVAL

I. BACKGROUND AND LEGAL FRAMEWORK

1. Plaintiff Ketevan Chikhladze sought international protection within Europe and was entitled to the procedural safeguards governing asylum determination, including access to an effective remedy and protection from removal pending review.
2. At all relevant times, German and Danish authorities acted within a framework nominally governed by the Dublin III Regulation, which regulates the allocation of responsibility for asylum claims among participating states.
3. That framework requires that transfers serve the purpose of determining responsibility for asylum adjudication and must be accompanied by procedural safeguards, including access to review and protection from arbitrary detention and removal.
4. Plaintiffs Simon Chikhladze and Ketevan Chikhladze are Georgian nationals who sought international protection within Europe and were entitled to the same procedural safeguards governing asylum determination, including access to an effective remedy and protection from removal pending review.
5. Plaintiff entered the Schengen Area through Riga, as evidenced by an entry stamp reflecting short-stay admission consistent with Schengen visa category “C” (90 days within a 180-day period), thereby identifying Latvia as the first point of entry within the Schengen Area and a relevant factor for responsibility allocation under the Dublin III Regulation.
6. On or about February 11, 2019, Plaintiffs presented to Danish authorities at Copenhagen Airport in connection with an application for asylum, thereby triggering the application of European and international legal protections applicable to asylum seekers.
7. On or about March 5, 2019, Danish authorities issued an expulsion decision pursuant to national law, including §25b, while retaining Plaintiffs’ passports and identity documents.
8. The retention of Plaintiffs’ passports deprived them of the practical ability to effectuate voluntary departure within the period of lawful stay, which extended to approximately May 11, 2019.

9. In the absence of travel documents, Plaintiffs could not lawfully depart Denmark to any destination, including return to Latvia, notwithstanding that such route represented a viable means of self-removal within the Schengen framework.
10. The combination of passport retention, issuance of an expulsion order, and the passage of the lawful stay period rendered Plaintiffs' presence de facto irregular while simultaneously preventing compliance with voluntary departure requirements.
11. These conditions created a coercive situation in which forced removal became the only available outcome, despite the existence of less restrictive alternatives.

II. TRANSFER FROM GERMANY TO DENMARK

1. Plaintiff entered Germany on or about March 28, 2019.
2. German authorities initiated procedures referencing the Dublin III Regulation, retaining the ability to effect a transfer to Denmark until approximately November 22, 2019.
3. Following the lifting of the suspensive effect on or about May 22, 2019, German authorities retained the ability to transfer Plaintiff to Denmark under that framework.
4. On or about August 14, 2019, Plaintiff was transferred from Germany to Denmark under custodial conditions, without meaningful access to counsel or an effective opportunity to challenge the transfer.
5. The transfer was not accompanied by individualized assessment of necessity or risk of absconding, and lacked any indication that it was intended to provide Plaintiff with a functioning asylum process in Denmark.

III. IMMEDIATE DETENTION AND ABSENCE OF ASYLUM PROCESS

1. Upon arrival in Denmark, Plaintiff was immediately detained without individualized assessment, meaningful judicial review, or access to an effective remedy.home-affairs.
2. Plaintiff was not admitted into a functioning asylum process but was instead subjected to expedited removal procedures.home-affairs.
3. No effective remedy with suspensive effect was made available prior to removal.
4. On or about September 2, 2019, Danish police authorities generated an official report ("Kosterrapport") documenting the handling of Plaintiff's identity documents.

5. The report explicitly states that Plaintiff's Georgian passport was "handed over in connection with expulsion."
6. This documentation confirms that, within days of the transfer, Danish authorities had already initiated and operationalized Plaintiff's forced removal.
7. The handling of travel documents in this manner demonstrates that removal was pre-arranged and not contingent upon any asylum determination.

IV. ENTRY INTO SCHENGEN, LATVIA AS FIRST POINT OF ENTRY, AND CONSTRAINTS ON VOLUNTARY DEPARTURE

1. The plaintiff entered the Schengen Area through Riga, as evidenced by an entry stamp reflecting short-stay admission consistent with Schengen visa category "C" (90 days within a 180-day period).
2. The entry through Latvia constituted Plaintiff's first point of entry into the Schengen Area and is a relevant factual indicator for responsibility allocation under the **Dublin III Regulation**.
3. On or about February 11, 2019, Plaintiff presented to Danish authorities in connection with an application for asylum at Copenhagen Airport.
4. On or about March 5, 2019, Danish authorities issued an expulsion decision pursuant to national law (including §25b), while retaining Plaintiff's passport and identity documents.
5. The retention of Plaintiff's passport by Danish authorities deprived Plaintiff of the practical ability to effectuate voluntary departure within the period of lawful stay, which extended to approximately May 11, 2019.
6. In the absence of travel documents, Plaintiff could not lawfully depart Denmark to any destination, including return to Latvia, notwithstanding that such route represented the only viable means of self-removal within the Schengen framework.
7. The combination of (a) passport retention, (b) issuance of an expulsion order, and (c) the passage of the lawful stay period rendered Plaintiff's presence de facto irregular while simultaneously preventing compliance with voluntary departure requirements.
8. These conditions created a coercive situation in which forced removal became the only available outcome, despite the existence of less restrictive alternatives, including return to the first point of entry within the Schengen Area.
9. Plaintiff's entry to Denmark from Riga on February 11, 2019, with a Schengen stamp from Latvia, followed by immediate passport confiscation upon asylum

request, completely reframes the 2019 German-Danish Dublin transfer as **procedurally defective and potentially fraudulent**.

V. REMOVAL TO GEORGIA

1. Plaintiff was removed to Georgia on or about September 6, 2019, with transit through Kyiv.
2. Georgia is not a participating state under the Dublin III Regulation, and the removal therefore occurred outside the framework governing Dublin transfers.
3. The sequence of events—entry into Denmark on February 11, 2019, issuance of expulsion on March 5, 2019, transfer from Germany on August 14, 2019, documented preparation for expulsion on September 2, 2019, and removal on September 6, 2019—demonstrates a continuous course of conduct directed toward Plaintiffs' removal.
4. The proximity of the removal to the expiration of Denmark's six-month execution period for expulsion demonstrates that the transfer was used to facilitate execution of a pre-existing expulsion decision rather than to allocate responsibility for asylum adjudication.

VI. INCOMPATIBILITY WITH ANY IDENTIFIABLE LEGAL FRAMEWORK

1. The actions described herein cannot be reconciled with the requirements of the Dublin III Regulation, which does not authorize removal to non-participating states or permit detention and removal without effective procedural safeguards, including access to an effective remedy and protection from refoulement.
2. To the extent Defendants contend that the actions were undertaken outside that framework, no alternative legal basis governing the custodial transfer and removal was disclosed to Plaintiffs.
3. The absence of a clearly identified and reviewable legal framework deprived Plaintiffs of the ability to challenge the lawfulness of their detention and removal.
4. The manner, timing, and execution of the transfer and removal are inconsistent with any identifiable lawful process and reflect the use of procedural mechanisms to effectuate expulsion.

VII. PREVIOUS U.S. PROCEEDINGS

1. In prior proceedings before the Executive Office for Immigration Review, Immigration Judge Bruce M. Barrett issued an order dated April 2, 2008,

terminating removal proceedings in Case No. A72-019-109 without issuance of any enforceable removal order, and no appeal was taken.
2. Accordingly, no lawful U.S. removal authority existed with respect to the individual subject to that proceeding.
3. In the absence of a valid removal order, any subsequent detention, transfer, or coordinated removal involving that individual could not have been executed pursuant to lawful U.S. immigration process.

VIII. COORDINATED EXTRA-LEGAL REMOVAL

1. The totality of the conduct described herein constitutes a coordinated custodial transfer followed by expedited removal outside any coherent legal framework governing asylum or returns.
2. The process lacked the essential characteristics of lawful asylum adjudication, including access to a court, meaningful review, and protection from removal pending determination.
3. Instead, the actions reflect the use of transfer mechanisms to effectuate Plaintiffs' expulsion rather than to determine or ensure proper examination of their asylum claims.
4. As a direct result of these actions, Plaintiffs were deprived of:
   a) access to a fair asylum procedure;
   b) the opportunity to challenge their removal; and
   c) protection against removal pending review.
5. The conduct described herein was arbitrary, lacked a coherent legal basis, and resulted in the extra-legal removal of Plaintiffs from the European asylum system into Georgia's hostile environment.

IX. CLAIM FOR RELIEF

COUNT I

UNLAWFUL COORDINATED TRANSFER AND EXTRA-LEGAL REMOVAL

1. Plaintiff incorporates by reference all prior paragraphs of this Complaint as though fully set forth herein.
2. Defendants, acting individually and in concert with German and Danish authorities, subjected Plaintiffs to a coordinated custodial transfer from Germany to Denmark and to a subsequent removal from the European Union to Georgia, a non-participating state under the Dublin III Regulation, in a manner that deprived

Plaintiffs of their entitlement to effective asylum procedures and interim protection against removal.

3. In so doing, Defendants violated clearly established international legal norms and customary obligations, including:
   a) the prohibition on refoulement, including indirect or "chain" refoulement, under the European Convention on Human Rights and universally recognized human-rights standards;
   b) the prohibition on arbitrary detention and removal without access to an effective remedy;
   c) the requirement that any transfer or removal of asylum-seekers be conducted pursuant to a clearly defined legal framework accompanied by meaningful judicial or administrative review.
4. Defendants' conduct was knowing, willful, and in reckless disregard of Plaintiffs' rights, as demonstrated by:
   a) the use of Dublin-related procedures to mask a pre-determined expulsion objective;
   b) the detention, transfer, and removal of Plaintiffs outside the statutory and treaty-based Dublin framework; and
   c) the failure to provide any identifiable legal basis or opportunity for meaningful review of the removal.
5. As a direct and proximate result of Defendants' unlawful coordinated transfer and extra-legal removal, Plaintiffs suffered:
   a) loss of liberty and forced detention;
   b) physical and psychological harm;
   c) deprivation of fair asylum procedures and the opportunity to challenge removal; and
   d) exposure to a hostile environment in Georgia without lawful protection.
6. Plaintiff therefore respectfully requests relief as set forth in the prayer for relief below, including compensatory damages, declaratory relief that Defendants' conduct was unlawful, and such further relief as the Court deems just and proper.

COUNT II

ENDLESS CRUEL AND INHUMAN TREATMENT AFTER RENDITION (TVPA CLAIM)

1. Plaintiff incorporates by reference all prior paragraphs of this Complaint as though fully set forth herein.
2. After Plaintiff's unlawful coordinated transfer and extra-legal removal to Georgia, Plaintiff was subjected to a sustained pattern of cruel and inhumane treatment, including repeated physical and psychological abuse, deterioration of health, and other forms of suffering that amount, in the aggregate, to torture and cruel,

inhuman, or degrading treatment as recognized under international human-rights law and the standards of the Trafficking Victims Protection Act ("TVPA"), 18 U.S.C. § 1589 et seq.

3. The abuses suffered by Plaintiff in Georgia form part of a broader pattern of documented torture and inhumane treatment of vulnerable individuals, including returnees and asylum-seekers, within the Georgian detention and criminal-justice system.
4. Defendants knowingly participated in a "venture" that resulted in the transfer or removal of Plaintiff to Georgia, where they had reason to know, or recklessly disregarded, that Plaintiff would face a real and foreseeable risk of cruel and inhuman treatment following rendition.
5. In whole or in part, Defendants' conduct constitutes participation in or substantial facilitation of a venture that subjected Plaintiff to severe harm, within the meaning of the civil-remedy provision of the TVPA, 18 U.S.C. § 1595, which authorizes damages for "any violation of sections 1589, 1590, or 1591" of title 18, including forced labor and related forms of servitude and exploitation that can be analogized to sustained, coercive abuse inflicted upon a person who is rendered powerless by state-sponsored rendition and return.
6. As a direct and proximate result of Defendants' conduct in facilitating Plaintiff's rendition to Georgia, Plaintiff suffered extreme physical and psychological suffering, degrading treatment, loss of autonomy, and enduring harm that continues to this day.
7. Plaintiff therefore seeks relief under the TVPA, including compensatory and statutory damages, punitive damages, declaratory relief that Defendants' conduct violates the TVPA and related international norms, and such further relief as the Court deems just and proper.